

REMARKS

The Amendments shown above and these Remarks are made in reply to the Office Action mailed May 12, 2011. Claims 4-6, 9-10, 17, 20-21 and 45-48 were examined and stand rejected. Claims 1-3, 7-8, 11-16, 18-19 and 22-44 were previously canceled.

Applicant has amended claims 4, 6, 9-10, 17, 20-21 and 45-48. Applicant submits that no new subject matter has been introduced by the Amendments and the Amendments are supported by the specification. Reconsideration is respectfully requested.

Claims 4-6, 9-10, 17, 20-21 and 45-48 remain pending in this application after entry of the Amendments.

I. SUMMARY OF THE EXAMINER'S ACTIONS

In the Office Action mailed May 12, 2011, the Examiner:

- claims 6, 9-10, 17, 20-21 and 45-48 were rejected under 35 USC §103(a) as unpatentable over U.S. Patent Publication No. 2004/0014484 ("*Kawashima*") in view of U.S. Patent Publication No. 2004/0023646 ("*Inami*") and either one of U.S. Patent No. 7,248,677 ("*Randall*") or U.S. Patent No. 7,352,997 ("*Torvinen*");
- claim 4 was rejected under 35 USC §103(a) as unpatentable over *Kawashima*, *Inami* and either one of *Randall* or *Torvinen* and further in view of U.S. Patent Publication No. 2003/0109252 ("*Prentice*"); and
- claim 5 was rejected under 35 USC §103(a) as unpatentable over *Kawashima*, *Inami*, *Prentice* and either one of *Randall* or *Torvinen* and further in view of U.S. Patent No. 7,139,551 ("*Jamadagni*").

II. SPECIFIC RESPONSE TO THE EXAMINER'S ACTIONS

The Section 103 Rejections Are Traversed/Overcome

A. Claims 6, 9-10, 17, 20-21 and 45-48

Claims 6, 9-10, 17, 20-21 and 45-48 were rejected as obvious over the combination of *Kawashima*, *Inami* and either *Randall* or *Torvinen*. Because the combination of the cited references fails to disclose all of the limitations of these claims, Applicant asserts that one of

average skill in the art would not find the claimed subject matter as a whole obvious, and the claims are in condition for allowance.

For example, Applicant's claim 45 recites "upon receiving an incoming call, simultaneously playing the audio content and displaying the graphical animation content on the mobile phone, wherein a graphical layer of software of the mobile phone is disabled in order to display the downloaded graphical animation content upon receiving the incoming call." These limitations are not taught or suggested by the combination of cited references as suggested in the Office Action for the reasons discussed below.

Kawashima describes a portable terminal device such as a portable telephone that may reproduce contents of a book with sounds and pictures. (See *Kawashima* Abstract). The Office Action asserts that FIG. 7 of *Kawashima* indicate that both the ringtone audio data and display data may be output simultaneously when steps 202 and 204 of FIG. 7 are both "YES." As such, the Office Action contends that *Kawashima* discloses "upon receiving an incoming call, simultaneously playing the audio content and displaying the graphical animation content on the mobile phone" as recited in claim 45. (See Office Action, at p. 11). Applicant disagrees.

As described in paragraphs [0084] and [0085] of *Kawashima*, *Kawashima* discloses displaying a prescribed picture on a screen at prescribed timings based on instructions from the display sequencer, and playing a prescribed speech or musical tones at prescribed timings based on sound generation sequence data. There is no teaching or suggestion in *Kawashima* that the prescribed timing at which the prescribed picture is displayed coincides with or overlaps the prescribed timing at which the prescribed speech or musical tones are played, thereby causing simultaneously playing the prescribed speech or musical tones and displaying the prescribed picture. Moreover, it appears that *Kawashima* cannot simultaneously display a prescribed picture and play music tones because *Kawashima* uses two separate and independent sequences of data to determine the prescribed timings for displaying the picture and playing the music tones.

Kawashima also does not disclose "a graphical layer of software of the mobile phone is disabled in order to display the downloaded graphical animation content upon receiving the incoming call " as in claim 45. The Office Action acknowledges that *Kawashima* does not teach "a graphical layer of software of the mobile phone is disabled in order to display the downloaded

graphical animation content” but relied on *Inami* as curing the deficiencies of *Kawashima*. (See Office Action, at p. 3). Applicant disagrees.

The Office Action cited *Inami*'s paragraphs [0004]-[0005], which discloses that "if a telephone call is received while the user is viewing a media content using a web browser, it is common practice to interrupt the displaying process of the web page or the audio outputting process of the background music or the like, and instead display an "incoming call" screen for notifying the telephone call and output a call sound." (See *Inami* at paragraph [0004]). Thus, *Inami* discloses interrupting the displaying process of the web page by not displaying the media content upon receiving an incoming call.

The Office Action asserts that "[A]s *Inami* teaches that each software process is a layer, as the web browser (layer) is displaying graphics information, the cancelling of this web browser information is 'disabling a graphical layer...' as recited." (See *Office Action*, at p. 12). Thus, the Office Action equates "cancelling of the web browser information" with the "disabling a graphics layer" as in claim 45.

However, even if "cancelling of the web browser information" discloses "disabling a graphics layer" (even though Applicant does not agree with such assertion), *Inami* at best discloses "disabling a graphics layer" to cancel the web browser information. Stated differently, *Inami* at best discloses "disabling a graphics layer" in order not to display the graphical animation content upon receiving the incoming call. (Emphasis added). This is in contrast to claim 45 which recites "a graphical layer of software of the mobile phone is disabled in order to display the downloaded graphical animation content upon receiving the incoming call." Therefore, *Inami* does not cure the deficiencies of *Kawashima*.

Likewise, neither *Randall* or *Torvinen* teaches “upon receiving an incoming call, simultaneously plays the audio content and displays the graphical animation content on the mobile phone, wherein a graphical layer of software of the mobile phone is disabled in order to display the downloaded graphical animation content upon receiving the incoming call” as recited in claim 45. *Randall* and *Torvinen* were cited to provide background information on Symbian OS and “Series 60” type environment. Thus, none of these references cures the deficiencies of *Kawashima* and/or *Inami*.

For at least these reasons, the combination of cited references as proposed in the Office Action does not teach or suggest all of the limitations recited in claim 45, and that one of ordinary skilled in the art would not find the claimed subject matter of claim 45 obvious. Accordingly, Applicant asserts that claim 45 is patentable over the combination of cited references. Claims 6 and 9-10 that depend from claim 45 are patentable for the same reasons as claim 45.

Applicant's claim 46 recites "a second application ... for disabling a graphical layer of the software of the mobile phone in order to display the graphical animation content upon receiving the incoming call, the mobile phone simultaneously playing the ring tones and displaying the graphical animation content upon receiving the incoming call." These limitations are not taught or suggested by the combination of cited references as suggested in the Office Action.

As discussed above, *Kawashima* does not disclose a mobile phone that simultaneously plays the ring tones and displays the graphical animation content upon receiving the incoming call, and *Kawashima* certainly does not disclose a second application for disabling a graphical layer of the software of the mobile phone in order to display the graphical animation content upon receiving the incoming call. The remaining references do not remedy the deficiencies.

Therefore, the combination of cited references as proposed in the Office Action does not teach or suggest all of the limitations recited in claim 46, and that one of ordinary skilled in the art would not find the claimed subject matter of claim 46 obvious. Accordingly, Applicant asserts claim 46 is patentable over the combination of the cited references for at least the same reasons as claim 45. Claims 17 and 20-21 that depend from claim 46 are patentable for the same reasons as claim 45.

Applicant's claim 47 recites "disabling a graphic layer of software of the mobile phone in order to display the graphical content upon the notification of the incoming call." As discussed above, these limitations are not taught or suggested by the combination of cited references as suggested in the Office Action. Accordingly, Applicant asserts claim 47 is patentable over the combination of cited references for at least the same reasons as claim 45.

Applicant's claim 48 recites "a background task application adapted to ... disable a graphic layer of software of the mobile phone in order to display the graphical content upon the notification of the incoming call." As discussed above, these limitations are not taught or

suggested by the combination of cited references as suggested in the Office Action. Accordingly, Applicant asserts claim 48 is patentable over the combination of cited references for at least the same reasons as claim 45.

B. Claims 4 and 5

Claim 4 was rejected as obvious over the combination of *Kawashima, Inami* and either *Randall* or *Torvinen*, and further in view of *Prentice*. Claim 5 was rejected as obvious over the combination of *Kawashima, Inami, Prentice* and either *Randall* or *Torvinen*, and further in view of *Jamadagni*. Because the various combinations of the cited references fail to disclose all of the limitations of claims 4-5, Applicant asserts that one of average skill in the art would not find the claimed subject matter as a whole obvious, and the claims are in condition for allowance.

Prentice was cited to reference the reading of the downloaded data. (See Office Action, at p. 10). *Jamadagni* was cited to reference the downloading and storing of configuration files. (See Office Action, at p. 11). Neither *Prentice* nor *Jamadagni* discloses "upon receiving an incoming call, simultaneously playing the audio content and displaying the graphical animation content on the mobile phone, wherein a graphical layer of software of the mobile phone is disabled in order to display the downloaded graphical animation content upon receiving the incoming call" as recited, for example, by claim 45. Therefore, Neither *Prentice* nor *Jamadagni* cures the deficiencies of *Kawashima, Inami* and either *Randall* or *Torvinen*.

Accordingly, Applicant asserts that claims 4-5 are patentable for at least the same reasons as claim 45.

III. CONCLUSION

Based on the amendments shown above and these remarks, reconsideration of the pending claims is respectfully requested.

The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone or email.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: September 12, 2011 By: /Shuqian Yan/
Shuqian Yan
Reg. No. 66,750

VIERRA MAGEN MARCUS & DENIRO LLP
575 Market Street, Suite 2500
San Francisco, California 94105
Telephone: 415.369.9660
Facsimile: 415.369.9665
[syon@vierramagen.com](mailto:syan@vierramagen.com)